

**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: March 24, 2020

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma, Washington

RESPONSE DATE: March 17, 2020

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

ISAN MOLIK GOLDWIRE and
ITSSIA MAGDALENA GOLDWIRE,

Debtors.

Case No.: 20-40284-MJH

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE

COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to
confirmation as follows:

BACKGROUND

Debtors filed this Chapter 13 case on January 30, 2020. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is April 9, 2020. Scheduled unsecured claims total \$56,093.17. The Trustee estimates that under the proposed plan general unsecured creditors will receive approximately \$0.00.

OBJECTION

- ☒ Plan does not meet the best interests of creditors test as required by 11 U.S.C. § 1325(a)(4):

Trustee has requested, but not yet received, a copy of the registration for Debtors' Toyota Sienna. Based on Trustee's review of the proof of claim for the vehicle, it appears that the secured creditor failed to perfect its lien within thirty days of the vehicle purchase and appears to have perfected its lien within ninety days of the filing of this case. If the lien was not properly perfected, then the liquidation value of the plan may need to be increased to account for the non-exempt equity in the vehicle.

- ☒ Schedules or other documentation insufficient:

(1) Trustee has requested, but not yet received, a copy of Mr. Goldwire's VA benefits statement to verify that his VA disability does not include a retirement component.

(2) Trustee has requested, but not yet received, an amended Statement of Financial Affairs to provide the dates of payments made to Debtors' counsel.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and Debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 3rd day of March, 2020.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

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CERTIFICATE OF MAILING

I declare under penalty of perjury under the Laws of the United States as follows: I mailed via regular mail a true and correct copy of the Trustee's Objection to Confirmation to the following:

Isan Molik Goldwire
Itssia Magdalena Goldwire
11011 – 37th Avenue Ct. E.
Tacoma, WA 98446

The following parties received notice via ECF:

Ellen Ann Brown
US Trustee

Executed at Tacoma, Washington on the 3rd day of March, 2020.

/s/Tracy Maher

Tracy Maher
Office Manager
Michael G. Malaier
Chapter 13 Trustee